

SJP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**UNITED STATES OF AMERICA,**2008 FEB 26 AM 9:58
Magistrate Case No.

Plaintiff,

'08 MJ 0566
CLERK'S OFFICE
SOUTHERN DISTRICT OF CALIFORNIA

v.

COMPLAINT FOR VIOLATION OF**Honorio SALAZAR**Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

Defendant.

)

The undersigned complainant, being duly sworn, states:

On or about, **February 20, 2008**, within the Southern District of California, defendant, **Honorio SALAZAR**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
John Mleczko, Immigration &
Customs Enforcement, Deportation Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th DAY OF February 2008.



UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**NAME: SALAZAR, Honorio****PROBABLE CAUSE STATEMENT**

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On Wednesday, February 20, 2008, the defendant identified as Honorio SALAZAR was arrested in San Diego, California by the San Diego Police Department in violation of PC 212.5(C) ROBBERY: SECOND DEGREE and in violation of PC 182(A)(1) CONSPIRACY: COMMIT CRIME and booked into San Diego County Jail. On Thursday, February 21, 2008, an Immigration Enforcement Agent with Immigration and Customs Enforcement determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On Monday, February 25, 2008, at approximately 5:30 a.m. the defendant was referred to United States Immigration and Customs Enforcement custody. Deportation Officer John Mleczko reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about January 31, 2007 and physically removed to Mexico on or about February 01, 2007 via the San Ysidro Port of Entry. Record checks also revealed that defendant was issued a Reinstatement of Removal on or about October 19, 2007 and physically removed to Mexico on that date via the San Ysidro Port of Entry. Record checks and statement made by defendant indicate that he has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Honorio SALAZAR, a citizen and national of Mexico.

The defendant was admonished as to his rights per "MIRANDA" in the Spanish language at approximately 9:47 a.m. by Deportation Officer Gregory M. Harrison as witnessed by Deportation Officer John Mleczko. The defendant acknowledged his rights per "MIRANDA" and elected to answer questions without counsel present.

The defendant stated that he is a citizen of Mexico by virtue of birth, was deported or removed from the United States to Mexico on two occasions and had not obtained a waiver in order to re-enter the United States. The defendant acknowledged that he unlawfully entered the United States on an unknown date in November 2007, through the hills near Tecate, CA. The defendant acknowledged that he has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Honorio SALAZAR has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.